

MAR 25 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL F. SCHULZE,

Petitioner - Appellant,

v.

PAUL SCHULTZ,

Respondent - Appellee.

No. 07-15946

D.C. No. CV-04-06100-LJO

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Submitted March 18, 2009^{**}

Before: LEAVY, HAWKINS, and TASHIMA, Circuit Judges.

Federal prisoner Michael F. Schulze appeals pro se from the district court's denial of his 28 U.S.C. § 2241 habeas corpus petition. We have jurisdiction pursuant to 28 U.S.C. §§ 1291 and 2253, and we affirm.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Schulze contends that the district court erred by determining that “some evidence” supports the prison disciplinary hearing officer’s determination that he possessed morphine. We conclude that the district court did not err. *See Superintendent v. Hill*, 472 U.S. 445, 454-56 (1985).

AFFIRMED.